

Amendments to the Drawings:

The attached sheets of drawings include changes to Figures 12A-12D and Figures 30A-30B. These sheets, which include Figs. 12A-12D and 30A-30B, replace the original sheets including Figs. 12A-12D and Figs. 30A-30B.

Attachment: Replacement Sheet(s)

REMARKS

In reply to the Office Action dated February 8, 2005, claims 34 and 35 are currently under examination in the Application. By the above amendment, withdrawn claims 1-8, 36-38 and 53-54 have been canceled, claims 34-35 have been amended, and new claim 55 has been added. The above amendment is not to be construed as acquiescence to the stated grounds for objection/rejection and is made without prejudice to prosecution of any subject matter modified and/or removed by this amendment in a related divisional, continuation and/or continuation-in-part application.

Objections to the Drawings

The Examiner objected to Figures 12A-12D because of an allegedly dark background and the figures not being readable. In addition, Figures 30A and 30B were objected to on the basis that Figure 30A is not present.

In reply to the Examiner's objections relating to Figures 12A-12D, Applicants provide herewith replacement Figures 12A-12D, as color photographic images. Applicants hereby Petition for acceptance of said color photographic images under 37 CFR 1.84(a)(2) and request entry of same. The Petition fee of \$130, as set forth in 37 CFR 1.17(h), accompanies this amendment and petition. In addition, three (3) sets of color drawings are enclosed. In addition, the Specification has been amended to include the language regarding color photographs, as set forth in 37 CFR 1.84(a)(2).

In reply to the Examiners objection regarding Figures 30A-30B, Applicants provide herewith a replacement copy of Figures 30A-30B. Applicants note in this regard that the enclosed Figures 30A-30B correspond identically to Figures 12A-12B of priority Application Serial No. 10/464,071, filed June 18, 2003, the contents of which were specifically incorporated by reference in the instant application (see, *e.g.*, Cross-Reference to Related Applications). Accordingly, Applicants submit that entry of enclosed Figures 30A-30B does not constitute new matter.

Claims Rejections – 35 U.S.C. § 112

Claims 34 and 35 stand rejected under 35 U.S.C. § 112, first paragraph, as allegedly containing subject matter which is not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the Applicants, at the time the application was filed, had possession of the claimed invention. According to the Examiner, the specification demonstrates methods for *inhibition* of VSMC migration and methods for *increasing* VSMC apoptosis using a claimed modulating agent, but does not disclose methods for *modulating* (increasing or decreasing) VSMC migration and apoptosis using the modulating agents.


Applicants respectfully traverse this rejection and submit that the skilled artisan, in view of the specification as filed, would indeed recognize that Applicants were in possession of the invention as claimed. However, in the interest of advancing prosecution of the subject application, and without prejudice to prosecution of any subject matter removed by the above amendment in a related application, claims 34 to specify that the claimed method for modulating VSMC migration is a method for *inhibiting* VSMC migration. Similarly, claim 35 has been amended to specify that the claimed method for modulating VSMC apoptosis is a method for *enhancing* VSMC apoptosis. Reconsideration of this rejection is thus respectfully requested.

Claims 34 and 35 also stand rejected under 35 U.S.C. § 112 as allegedly being indefinite for failing to point out and distinctly claim the subject matter which Applicants regard as the invention. According to the Examiner, claims 34 and 35 lack an essential step of using an *effective amount* of a cell adhesion modulating agent. For purposes of clarity, Applicants have amended claims 34 and 35 to specify that an effective amount of the claimed cell adhesion modulating agent is used in the claimed methods. Reconsideration of this rejection is respectfully requested.

The Commissioner is authorized to charge any additional fees due by way of this Amendment, or credit any overpayment, to our Deposit Account No. 19-1090.

All of the claims remaining in the application are now believed to be in condition for allowance. Favorable consideration is respectfully requested.

Respectfully submitted,
SEED Intellectual Property Law Group PLLC



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JEH:teb

Enclosure:

Postcard
7 Sheets of Drawings (Color Figs. 12A-12D x3;
and Replacement Figs. 30A-30B x1)

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